

THE DEMOCRAT-SENTINEL.

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LOGAN, HOCKING COUNTY, OHIO. THURSDAY, APRIL 2, 1908.

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MICHAEL CICALO ON TRIAL AGAIN

Italian Gun User Faces a
Second Jury, on Charge
of Murder.

SIDES STRENGTHENED

Legal Battle in Progress—
Bitterly Contested.

The Common Pleas Court convened Monday in Logan with Judge George E. Martin on the bench. The sitting of the grand jury was postponed and the second trial of Michael Cicalo for the murder of George Hale was called.

During last month the trial was had and Cicalo found guilty of manslaughter. Application was made for a new trial and granted by Judge Martin for the following reasons:

The court ruled, during the trial, and he had former decisions of almost all courts in several states to support his ruling, that only evidence of the defendant's general reputation was admissible, and not of his character. That, "What the people say of him," is admissible from qualified witnesses; not "what do you know of him?" Mr. Wright argued that the supreme court lately rendered decision that not only could the defense for a defendant, charged with a felony, in establishing his reputation and character to a jury, introduce evidence tending to show his general reputation in a community but also tending to show what his character is; what the qualified witnesses know he is, and not alone what the people say of him. Attorney Wright directed the court's attention to supreme court's decision in the Dickerson vs State of Ohio, in error, reported in the January number of the Ohio Law Reporter, where the upper court held that not only evidence tending to show what a defendant's general reputation is, but also what kind of a man he actually is, is admissible.

In the Cicalo case, because of its being almost impossible to introduce character witnesses who could give any favorable evidence of what the people said of him, prior to the shooting, because the people generally did not know the man, the defense sought to introduce evidence tending to show the defendant's good character, by interrogations as to what the witness knew of him as to his being a peaceable, quiet man, and not what his general reputation was in the community.

To this line of evidence the State objected, and the court sustained the objection, ruling from the jury all evidence tending to show what the defendant is, but admitting evidence tending to show what the people say of him.

Judge Martin, in reviewing the case easily disposed of the presentations of the motion for new trial, other than the proposition of his error in ruling from the jury evidence tending to show what the character of the defendant actually is. The court reviewed the case along that line, and whether or not under the law he had granted the defendant a fair and impartial trial. He stated that he had followed all of the legal authorities and decisions of Ohio, and several states on this subject. That all were a unit in their ruling, viz: that evidence tending to show the general reputation of a defendant is admissible, but evidence tending to show a defendant's actual character, his acts, his impulses, is not admissible.

The court regretted that he had not seen nor had his attention called to the latest bulletin from the Supreme Court of Ohio, but

that it is evident from their opinion that they established a new line of character evidence, heretofore unknown to practice, and that it remains only for lower courts to conform to the opinions, and for that reason the court sustained the motion for a new trial.

The legal force at the second trial now in progress has been strengthened on both sides. Judge S. H. Bright is assisting Prosecuting Attorney A. R. McBroom, and Attorney E. D. Ricketts is added to the force for the defense, which in person are Wright & Pettit and Attorney Williams, of Sandusky.

Thirty names were drawn from the jury wheel, and a jury was secured without exhausting the panel. The following are the names of the jurors sitting in the case:

Wesley Hawk, Carbonhill; Mark Burgess, Gore; Sam'l St. Clair, Marion Tp.; Lawrence Fick, Murray; George Miller, Washington Tp.; Lucius Keplar, Green Tp.; D. W. Funk, Washington Tp.; David Lama, Laurel Tp.; George Mowery, Perry Tp.; C. W. Riggs, Washington; Thomas Lax, Longstreth; Zoath Hammond, Green Tp.

HISTORY OF THE CRIME.

On the morning of January 6, last, at about 5:30 o'clock the people of this vicinity were astonished to hear that "Mike" the Italian interpreter with the colony of foreign laborers working at Kerlin Bros. brick plant, had shot and fatally wounded George Hale, an American laborer. The wounded man was taken to his home in west Logan, and lingered a few days, and died. He left a wife and four small children. Mike, the Italian gun user, fled, leaving a wife and two children in camp with his colony of countrymen.

A search in every direction was instituted to apprehend the murderer. Bloodhounds were brought to Logan, and followed a trail all afternoon, but returned with no results. The county commissioners offered a reward of \$50 and policemen in all surrounding towns were notified. At Laurelville on the third day after the shooting, Charley White apprehended the gun user, and with the Marshal of the town, put him under arrest. He was returned by Sheriff Williamson to the county jail. His trip to Laurelville, a distance of twenty-two miles, had been made through the woods and fields.

A special grand jury was called and the Italian indicted for murder in the second degree. As we go to press the case is in progress with some tendency of closing today. About the same line of testimony is gone over as in the former trial.

Grand Jury.

W. O. Oatley.....Logan
C. F. Sweezy.....Green Tp.
Samuel Ruff.....Marion Tp.
John Selb.....Logan
Clyde Holmes.....Jobs
Jack Jewet.....Ward Tp.
John Lively.....Starr Tp.
Jacob C. Carpenter Good Hope Tp.
George Evans.....Laurel Tp.
John H. Shaw.....Marion Tp.
Sam Hilliard.....Perry Tp.
Sam Carr.....Perry Tp.
Clarence C. Stone.....Benton Tp.
Josiah Stoughton.....Benton Tp.
Hiram Kanode.....Logan

EDITOR FRANK HARPER Given a Boom for Nomination for Secretary of State.

From friends of Frank Harper, of Mt. Vernon, former Chairman of the Democratic State Central Committee, comes a boom for the nomination for Secretary of State at the coming convention. The boom is launched without his knowledge or consent. Several years ago Mr. Harper, who is one of the oldest Democratic editors in point of service in the state, was mentioned for party honors, but he refused to permit the use of his name in the conventions. His friends believe that he will give way this year, and they are hopeful that he will do so.

OHIO STATE LEGISLATURE

Introduction of Probing Resolutions Seem to be
In Evidence.

STATE WILL GO BROKE

Measures Taken to Meet
Extravagance.

The result of the regular Monday evening fight of the house of representatives over political bones of contention were:

Passage of a motion by Stockwell, of Cleveland, in amended form, calling upon the treasurer of state to furnish information as to weekly balances in the vault for four years back.

Passage of a motion by Hunt, of Cincinnati, directing the speaker to appoint a committee of one to investigate some of the proceedings of the state board of assessors and appraisers, especially with reference to the returns, valuations and amount of taxes paid by gas and electric companies.

Tabling of a motion by Stockwell to appoint a special committee to ascertain how much stock is held by State Treasurer and his cashier in banks in which state funds have been deposited.

Thomas, of Trumbull, offered an amendment providing that the committee also inquire what members of the general assembly have street railway stock that will be affected by pending traction legislation.

The \$7,000,000 general appropriation bill was a special order of business for vote in the house at an extra session which was to have been held Tuesday morning. This was a tacit understanding among the members, but, in order to table one of Representative Stockwell's numerous probing resolutions, the house adjourned Monday evening, instead of recessing. Therefore, under the rules, there was no session until 1:30 Tuesday afternoon.

One of Stockwell's resolutions was adopted without opposition. It provides for appointment by the governor of a commission of three citizens to revise and codify the banking laws of the state and report to the next session of the general assembly.

Estimated expenditures of the state of Ohio for 1908 will be \$3,000,000 in excess of the revenue.

A statement to this effect was made on the floor of the house of representatives Monday evening by Representative Edgar Ervin, of Meigs county, one of the Republican members of the finance committee. Ervin had official figures to back his assertion.

As a result of this condition more than half of the surplus in the state treasury will have been consumed before any revenue producing measures can be enacted by the next general assembly. The present assembly has enacted no revenue measures. The only one introduced is a revival of the direct inheritance tax and it is improbable that it will be made a law.

If a joint resolution introduced Monday evening by Representative George Bassett, of Lucas county, is adopted by the general assembly and ratified by vote of the people, the next legislature will be empowered to make a special county officers' salary law for every one of the eighty-eight counties in Ohio.

Two propositions to facilitate business and hasten the date of adjournment of the general assembly sine die were made in the house of representatives at the Monday evening session.

One was in the form of a resolution by Mr. Martin, of Perry coun-

ty, providing that no new bills, excepting only appropriation bills, be introduced after April 4.

The other resolution was by Representative Hillenkamp, of Toledo. It provides that one night session be held each week in April for the purpose of passing bills to which there is no objection. No discussion of these measures would be necessary and they could be passed as fast as the clerk could call the roll.

NEW BILLS IN THE HOUSE.

Mr. Van Dusen—Guaranteeing of bond deposits.

Mr. Woodburn—School appropriations. Passed under suspension of rules.

Mr. Hunt—To repeal Spicer ditch law.

NEW BILLS IN THE SENATE.

Mr. Schmidt (by request).—To authorize the reduction in rank of a city to a village.

Mr. Sites—To confirm the title of individual owners of land on the bank of the Licking reservoir.

Mr. West—To provide for the valuation and equalization of real estate.

Mr. Hafner—Providing for the appropriation of rights of way for elevated tracks.

Mr. Hafner—Providing for the erection of necessary supports for elevated tracks.

Mr. Harger—Relating to a state institution for the treatment and schooling of indigent, crippled and deformed children.

Mr. Howe—To fix the salaries of coroners.

Mr. Crist—To provide for the appointment of a state board of library examiners.

Mr. Crist—To provide for submitting the question of the maintenance of a free public library to the electors of a county.

Mr. Mahaffey—Relating to certain proposed amendments to the constitution of Ohio.

Mr. Mahaffey—To authorize the board of education of Center township, Guernsey county, to pay James C. Thompson money advanced by him.

Mr. Russell—Relating to fees of township clerk.

Mr. Russell—Relating to compensation of trustees.

Mr. Ward—Providing for further investments by saving societies.

Mr. Hunt—Relative to the residence of voters.

Mr. Atwell—Relative to a channel in Buckeye lake.

Mr. Mather—Relating to reservoir in Summit county.

Mr. Patterson—Relating to county treasurers.

Mr. Schmidt—For the relief of Helen Hunt, of Cleveland.

Democratic Central Committee Meet.

On Friday the Democratic Central Committee of Hocking county met in Logan for the purpose of arranging to send delegates to the several conventions.

The following resolution was adopted:

Be it resolved by the Democratic central committee of Hocking county in called meeting assembled, that it is ordered that a mass convention of Democrats shall be held in each precinct of Hocking county, on Saturday April 11, at such time and place as the central committee may fix, for the purpose of selecting one delegate to a delegate convention to be held at Logan on Saturday April 18, for the purpose of selecting delegates to the Democratic state, congressional, judicial and senatorial conventions, and the central committee of each precinct is hereby authorized to post notices of the holding of such mass convention in each precinct at least ten days prior to April 11th.

Notices are placed in the hands of the several committee men calling their precinct mass convention.

In the matter of several vacancies in the Central Committee, the following committee were authorized to fill the vacancies: D. V. Thurness, A. L. O'Neill, E. E. Bright, J. C. Stoughton and C. F. Achauer.

Fixing of the time to hold the county primary election was deferred to some future meeting of the committee on call of the chairman.

AMERICAN GAME OF DRAW

Poker Players Get Pinched
For Carrying on a
Social Game.

THE MAYOR DETERMINED

Officer Mathiott Rounds Up
the Offenders.

There seems to be something of a stir among the fellows that like to "skin the cards out," in Logan in the last few days. Officer Mathiott, as chief of the night force, under instructions of Mayor Thurness has warned all usual offenders that he would "get them" if they persisted in their "settings." They would not take heed, so the always alert "Hooligan" rounded up a bunch, carefully secured his evidence and swore out eleven warrants, with many more in reserve.

There has been frequent calls at the Mayor's office in the past few days of fellows that are sent for, and some of them talk like George Washington. "I did it with my little hatchet." Some are going to stand trial, it is said, but the officers claim they have them all "dead to rights." The "setting" was alleged to have been had in the old Commercial Club Rooms.

Mayor Thurness has his Dutch up, and says he will clean up on the whole "caboodle."

PROBATE COURT.

Affidavit made and filed in case of Andrew J. Klinger, alleged to be insane. Subpoenas for witnesses issued and testimony taken, and defendant adjudged insane, and application made for admission to Athens State hospital.

Application made and filed for appointment of guardian of Barbara H. Clowe. Hearing on Wednesday. Matter pending.

Application made and filed for appointment of guardian for Andrew J. Klinger, an insane person. For hearing April 2.

Application made for the appointment of guardian of Clarence A. Mathias et al, minors, of W. P. Mathias, deceased. Choice of guardian filed by said minor, choosing Ida B. Mathias as guardian. Bond ordered in the sum of \$1,000. Same approved and letters issued.

Report of sale of personal property by T. H. Davis Administrator of estate of Eliza J. Davis in sum of \$376.55. Sale confirmed.

MARRIAGE LICENSES.

Allen B. Tennahill to Mrs. Nanette Ellen Bexis, both of Green Tp. Jasper Poling, of Haynes, to Meda Thompson, of Laurelville.

Harry D. Pittenger to Bessie Banfield, both of Orbiston. Wallace Fetherolf to Eliza Carr, both of South Perry.

Oil Well News.

Lancaster Eagle.

The Avalon well was shot Saturday with seventy-quarts of nitroglycerine, but it showed no perceptible increase of oil. The drill was lowered after the shot and it went down within seven feet of the bottom of the well. Tomorrow a second discharge of twenty quarts of nitroglycerine will be made in the hope of increasing the supply.

Messrs. John Gardner, Charles Noll, Ben Antill and Al Martens drove over to the Reading well on the Heffley farm Monday in Antill's auto. They say there was about four hundred feet of oil in the hole and estimate that it will pay to pump. The drillers this morning here bailing the oil out.

The Thornville Oil and Gas Company of Thornville, has in-

corporated for \$5,000. The incorporators are R. C. Neel, R. T. Whitmer, C. A. Fink, F. Z. Neel and Wm. Neel. This company has a large tract of land leased between Glenford and Thornville. The first well will be located within a few days.

R. M. Fountain, president of the Elder company, J. E. Purvis, president of the Avlon company, local driller for the Avlon company, located the first well of the former company last week. The well is on the Sheridan Johnson farm south of Avlon. This location is about 1,500 feet of the Avlon company's well on Mrs. M. Holliday farm.

The J. W. Huston No. 2 is being cleaned. F. M. Kittle No. 2 is down about 2100 feet.

The rig is up on the Louis Householder No. 2.

The well on the Clint Johnson farm is down about 2000 feet.

The rig is up for the well on the Mrs. M. Holliday farm.

The tools are being moved in for the well on the Mrs. Dan Householder farm.

Well No. 4 on the Mary Winegardner farm is down about 1,800 feet. Work is now suspended pending the arrival of a new cable.

The E. Stevenson well is down about 400 feet.

Well No. 2 on the J. G. Ruff farm is making 100 barrels per day.

Well No. 3 on the same farm is down about 1,000 feet.

Rigs are up for the Bunker Hill well on the John Sanderson farm; Flagdale well on the Snelzer Bros. farm; Raccoon well on the John Grove three-acre tract; Gobell well on the J. A. Griggs farm.

The Logan company is down 1,400 feet on the Joe Holliday farm.

The Reading company has made a location on the John Shafer farm.

The Birch Hill company has made a location on the Emanuel Stern farm.

The stockholders and directors of the Amanda Gas and Oil company held a meeting last week to decide what to do with a balance of \$800 remaining in their treasury. A committee consisting of Jacob Hedges S. H. Simon and Frank Shaeffer were appointed to invest the balance in stock of some of the companies now operating in the Rushville-Bremen-Avlon-Reading field. The Amanda company only drilled in one well on the Frank Shaeffer farm which proved to be a dry hole.

White Rose Ridge

Mr. William Bowers sold a car load of Plymouth Coachin's to Brown and Olive of Bremen Ohio. Mr. Jacob Beery was in Bremen on business Saturday.

Mayor Wright of North Bern Charles Algabalm and Tom King went to the sickling reservoir last Friday.

Mr. Ernest Keller and Tom King went to the candy party at Frank Brannon's near North Bern last Saturday night.

Mr. Noah Swartz visited Robert Olive and family Sunday.

Mr. Tom King and son James visited John Messbarger and family Sunday.

Messrs. Jip Kunkler, A. J. Wright and Clem Messbarger visited James Callahan and wife Sunday.

Mr. James Callahan and wife were in Lancaster Saturday.

Mr. Stanley Dutton and Carl Kistler called on Clarence Sholl Sunday.

Mr. John Savie and wife of Clarksburg visited John Messbarger and family Sunday.

Mr. Clem Messbarger and Ed Miller went to Junction City on business last Tuesday evening. Mr. Emanuel Buyer visited his brother Charles Buyer and family Sunday.

The frosts of April will come on the 7th, 13th, 19th, and 26th. There will be an early, substantial spring with no frosts in May. This will be a good fruit year.

COAL MINERS ALL OUT

250,000 Men Cease Work
Awaiting Scale
Settlement.

PERHAPS 60 DAY LAY OFF

Miners Officials and Opera-
tors in Conference.

The union miners in most of the soft coal fields of the country laid down their picks and shovels Tuesday night. Almost 250,000 of them will stop work in Ohio, Western Pennsylvania, Missouri, Iowa, Kansas, Oklahoma, Arkansas, Texas and probably in Indiana, Illinois, Michigan, West Virginia and Kentucky.

The mining contracts under which they are now working expired at midnight Tuesday night, and, except in Central Pennsylvania and in the Indiana block coal district, no new contracts have been made, nor have the miners and operators entered into district agreements providing for the operation of the mines for longer date than April 1.

The Indiana bituminous, Western Pennsylvania and Illinois miners and operators were in joint session at Terre Haute, Pittsburg and Springfield.

Technically the miners will go out on strike, but in reality they stop work because the operators, except in Indiana and Illinois, show no real intention of meeting and treating with them though no question of wage or principle is at stake.

John Mitchell is preparing to step out of office. Congressman W. B. Wilson is back from Central Pennsylvania, where he scored the first big success in the present situation by getting the Central Pennsylvania operators and miners into a agreement. This district will continue to work.

Vice President T. L. Lewis, who will succeed President Mitchell Friday, will announce his appointments when he takes office. It is understood that Samuel Sexton, editor of the United Mine Workers' Journal, is to be retired and that possibly Chris Evans, the official statistician, may be succeeded by a new appointee. Mr. Lewis, however, has not given out any information concerning these changes.

Mr. Bryan, the new secretary-treasurer, will bring with him from Illinois as his right-hand man, Frank Hays of Belleville.

Mrs. Robert Curran.

Arabella, youngest daughter of Judge Eli and Elizabeth Barker, was born at Royalton, Fairfield County, Ohio, December 28, 1827. In her infancy her parents came to Hocking county, where she lived until 1880, when she moved to Perry county.

On November 6, 1851 she was married to Robert Curran, with whom she had journeyed life's pathway for fifty-seven years.

As a wife she was a truly helpmate; as a mother, the kindest and most affectionate; as a neighbor and friend, the most thoughtful and sympathetic.

Of her the Psalmist says truly: "Her children rise up and call her blessed, her husband also, and he praiseth her."

She has been a member of the Baptist church of Scotts Creek for forty years. Her greatest pleasure was in meeting there with the people of God.

A vacant chair will be in that assembly as well as in the home, and a kindly face missed from among them.

She leaves to mourn with her aged husband, two sons, two daughters and three grandchildren.